

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

JORDAN MARTINEZ,
Plaintiff,

vs.

ETHAN F. CLICK and
WILLIAMS MLP OPERATING, LLC,
Defendants.

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CIVIL ACTION NO. 7:19-cv-23

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendant Williams MLP Operating, LLC files this Notice of Removal and makes the following short and plain statement of the grounds for removal:

Procedural History

1. On or about December 19, 2018, Plaintiff filed an Original Petition and seven appended written discovery requests (“Original Petition”), which commenced the above-styled action as *Jordan Martinez v. Ethan F. Click, et al.*, Cause No. is action, styled *Kristy Graves, et al. v. Arkema, Inc., et al.*, Cause No. B-18-12-1793-CV, in the 161st District Court of Ector County, Texas (the “State Action”).

2. Defendant Williams MLP Operating, LLC (“Williams”) was served with a Citation and Process in the State Action on January 3, 2019. Under 28 U.S.C. § 1446(b), this Notice of Removal is being filed within thirty (30) days after Williams received the Citation and Plaintiffs’ Original Petition in the State Action, and is timely filed. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999).

3. Defendant Ethan Click is not a resident of Texas and, on information and belief, has not been served.

4. Plaintiff has asserted causes of action for negligence, gross negligence, negligence per se, and negligent entrustment against defendants.

Grounds for Removal

5. Plaintiff is an individual resident and citizen of the State of Texas.

6. Defendant Williams is a Delaware limited liability company with its principal place of business in Tulsa, Oklahoma. Williams's sole member is Williams Field Services Group, LLC, which is a Delaware limited liability company with its principal place of business in Tulsa, Oklahoma. Williams Field Services Group, LLC's sole member is The Williams Companies, Inc., which is a Delaware corporation with its principal place of business in Tulsa, Oklahoma. Therefore, Williams is not a citizen of the state where this action is brought. 28 U.S.C. §§ 1332(c)(1) & 1441(b).

7. According to the Original Petition, defendant Ethan Click is a resident of the State of New Mexico. On information and belief, Mr. Click actually may be a resident and citizen of the State of Colorado. In any event, Mr. Click is not a citizen of the state where this action is brought. 28 U.S.C. § 1441(b). Moreover, as of the date of this filing, Mr. Click has not been served with the Original Petition.

8. Therefore, both at the time of the filing of this case and at the time of removal, there is complete diversity between Plaintiffs and all Defendants because this is a civil action "between . . . citizens of different states." 28 U.S.C. § 1332(a)(1). Likewise, none of the parties served as defendants to date is a citizen of the State in which the action was brought. *See* 28 U.S.C. 1441(b)(2). The case is properly removable under 28 U.S.C. § 1441(b).

8. Removal is proper to this District and this Division because the Midland/Odessa Division of the Western District of Texas is the district and division within which the State Action is pending. 28 U.S.C. § 1446(a).

9. The only defendant other than Williams has not been served, so his consent to removal of the action is not required. *See* 28 U.S.C. 1446(b)(a).

10. The amount in controversy in this matter exceeds the amount of \$75,000 exclusive of interest and costs. At the time of the filing of this case and at the time of removal, “Plaintiff seeks monetary relief over \$1,000,000.00.” Orig. Pet. ¶2.

11. Under 28 U.S.C. § 1446(d), Williams is giving written notice of the removal of this civil action to all adverse parties and is filing a Notice of Filing Notice of Removal with the District Clerk of Ector County, Texas.

12. Accordingly, because the controversy in this civil action is wholly between citizens of different states and because, based on the allegations contained in Plaintiffs’ Original Petition on file at the time of removal, the amount in controversy exceeds the sum of \$75,000, exclusive of costs and interest, Williams may and hereby does remove this action to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

13. Pursuant to 28 U.S.C. § 1446(a), all process, pleadings, and orders served upon Defendants are attached to this Notice of Removal as exhibits as follows:

Exhibit A: State Court Docket Sheet

Exhibit B: Service of Process

Exhibit C: Pleadings Asserting Causes of Action

Exhibit D: Responsive and Other Pleadings

Exhibit E: Orders Signed by State Court Judge (none/not applicable)

14. If any question arises as to the propriety of the removal of this action, Williams requests the opportunity to present a brief with supporting documentation, if applicable, and oral argument in support of its position that this case is removable.

WHEREFORE defendant Williams MLP Operating, LLC respectfully removes this action from the 161st Judicial District Court of Ector County, Texas, to the United States District Court for the Western District of Texas, Midland/Odessa Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

Respectfully submitted,

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